



TOWN OF DISCOVERY BAY
A COMMUNITY SERVICES DISTRICT



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
AGENDA PACKET**

For the Regular Meeting of Wednesday

February 1, 2017

7:00 P.M. Regular Meeting

Community Center
1601 Discovery Bay Boulevard



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

**NOTICE OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY**

Wednesday February 1, 2017

REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: www.todb.ca.gov

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call

B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the Agenda. The public may comment on any item on the Agenda at the time the item is before the Board for consideration. Any person wishing to speak must come up and speak from the podium and will have 3 minutes to make their comment. There will be no dialog between the Board and the commenter. Any clarifying questions from the Board must go through the President.

C. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approval of DRAFT minutes of regular meeting for January 18, 2017
2. Approve Register of District Invoices
3. Adopt and Present Proclamation 17-01 thanking and honoring Mary Nejedly-Piepho for her twelve years of dedicated service on the Board of Supervisors and her representation of Discovery Bay.

D. AREA AGENCIES REPORTS / PRESENTATION

1. Supervisor Diane Burgis, District III Report
2. Sheriff's Office Report
3. CHP Report

E. LIAISON REPORTS

1. Trans-Plan Report
2. County Planning Commission Report
3. Code Enforcement Report
4. Special Districts Report**

**These meetings are held Quarterly

F. PRESENTATIONS

G. BUSINESS AND ACTION ITEMS

1. Board Update on Water Meter Installation Project. (Oral Report)
2. Consider and direct Town Counsel on whether or not to send a letter to the third party bill service provider, doxo, demanding doxo cease and desist use of the Town's website, logo or any reference to the District on doxo's website.

3. Consider authorizing the Board President to sign, on behalf of the District, the third Amendment to the employment contract with Interim General Manager Catherine Kutsuris to provide for services on an as-needed-basis not to exceed 120 hours during the period February 1, 2017 through June 30, 2017.

H. MANAGER'S REPORT

I. INFORMATIONAL ITEMS ONLY

J. DIRECTORS' REPORTS

1. Standing Committee Reports
2. Other Reportable Items

K. GENERAL MANAGER'S REPORT

L. CORRESPONDENCE RECEIVED

1. Request Date January 9, 2017 from Bill Helfrick – Water Meter Bid Documents.
2. Received January 10, 2017 – Contra Costa County Clerk-Recorder-Elections Department - Vote-N-Go Program.
3. Request Date January 23, 2017 from Bill Helfrick – Reconsideration of the Water Meter Installation Project.
4. Received January 25, 2017 Letter from East County Voters for Equal Protection regarding an ECCFPD Funding Workshop on February 23, 2017.

M. FUTURE AGENDA ITEMS

N. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA

(Government Code Section 54957.7)

O. CLOSED SESSION:

1. Conference with Legal Counsel—Anticipated Litigation pursuant to Government Code Section 54956.9(b) - (One Potential Case)

P. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION

(Government Code Section 54957.1)

Q. ADJOURNMENT

1. Adjourn to the next regular meeting of February 15, 2017 beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

"This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925)634-1131, during regular business hours, at least twenty-four hours prior to the time of the meeting."

"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Robert Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY

Wednesday January 18, 2017
REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: www.todb.ca.gov

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m. – by President Leete
2. Pledge of Allegiance – Led by President Leete
3. Roll Call – All Present

B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

Public Comment regarding the water meter project:

1. Reconsider the water meter installation project – future meeting agenda;
2. Not opposed of having a water meter, happy with the work that the board and town has done for the community. Wasn't aware of any public notification, only found out about the \$906.20 fee from the paper and not happy about the cost of the meter.

C. AREA AGENCIES REPORTS / PRESENTATION

1. East Contra Costa Fire Protection District Report – No Report

D. MONTHLY WATER AND WASTEWATER REPORT – VEOLIA

1. Veolia Report – Month of December 2016

Project Manager Berney Sadler – Provided the details of the December 2016 Monthly Operations Report. There was discussion regarding fire hydrant flushing. The process is quarterly and during the time of water conservation the flushing was done more often, with automatic flushing that begins in the morning. Backlog work orders are no longer an issue.

E. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approval of regular meeting minutes January 4, 2017.
2. Approve Register of District Invoices
3. Authorize the payment of \$475.20 to Bob Murray and Associates for additional expenses related to the General Manager recruitment.

Motion by: Director Pease to approve the Consent Calendar

Second by: Vice –President Graves

Public Comment – Regarding item E-3 – opposes additional expenses to Bob Murray and Associates.

Vote: Motion Carried – AYES: 5, NOES: 0

President Leete – Reordered Business and Action Items - F-3 to F-1

F. BUSINESS AND ACTION ITEMS:

1. Public Hearing to Review and Consider Adopting Resolution 2017-01 approving proceedings to finance improvements to the District's municipal water and wastewater system, approving the issuance of water and wastewater revenue bonds by the Discovery Bay Public Financing Authority, and approving related documents and actions.
General Manager Davies – Provided the details of the Resolution 2017-01 approving proceedings to finance improvements to the District's municipal water and wastewater system, approving the issuance of water and

wastewater revenue bonds by the Discovery Bay Public Financing Authority, and approving related documents and actions and will summarize with a background of the item.

1. State Law requires all residential water consumers to be on metered system by the year 2025.
2. Discovery Bay West, Centex, and Ravenswood – received smart water meters at time of construction (cost paid by the developer). These homes are billed and pay for their water usage.
3. There are 3,531 water users that are not metered – estimate by County Parcel Tax Map and staff observation.
4. Unmetered customers pay a flat rate on the property tax bill (regardless of the amount of water consumed)
5. Currently underway for installing smart water meters – installs are mostly residential, a few vacant lots)
6. Two separate lots will receive separate meters for each Town connection
7. Cost of the project break down; cost of products are fixed (\$1,288,720.00), cost of construction is fixed (\$1,391,490.00)
8. Construction contingency – estimated at (9.4%, total \$131,149.00)
9. All other staffing and support – estimate at (\$300,000.00)
10. Total estimated project - \$3,111,359.00

The estimated total takes in consideration – meter variables exist for each individual location (size of meter box, difficulty of impediments; such as encasement of the existing meter box and hardscape or plant barriers). Properties that have extreme construction impairments (excess cost not included in the project estimate and the responsibility of the homeowner. The November 29 2016 board workshop briefed on installation costs variables and provided resident payback options. The board concurred by consensus that cost will be spread equally among those residents receiving a new meter and payback to the water reserves would be a 3 year plan billed on property tax roll. The board meeting on December 21, 2016, Interim General Manager Kutsuris suggested that the board consider shifting the cost of the water meter project out of reserve funds and add to the bond funding for consideration for the Wastewater Filtration Project. The meeting on January 4, 2017 the board discussed options and considered to fund the Water Meter Project, in whole or in part, with bond funding and or reserves, and considered various payback options for residents receiving the new water meter. The board decided to finance the Water Meter Project in full through bond funding. The new meters could be paid in full at no interest or over a ten year period with interest. The new meter cost of \$906.20 was calculated – rounding total estimated project cost to \$3.2 million, dividing the estimated 3,531 new meter installs. An estimated install of \$906.20 at a 10 year estimated interest rate of 4.5%, the monthly payment would be approximately \$9.40 per month, \$112.80 annually, \$1,128.00 (end of ten year total interest) \$221.74. Before you for adoption is the revised Resolution No. 2017-01 – passing this resolution gives authorization to the Public Financing Authority to issue bonds that would finance the \$7.4 million Wastewater Filtration Project underway at the Wastewater Treatment Plant No. 2 and the \$3.11 million dollar Water Meter Completion Project, also currently underway. Principal amount sought under this bond of \$11,500,000.00 constitutes a not to exceed (gives flexibility what the cost may or not be at the time of issuance). Also, note that this is a revised version of the resolution that was originally sent out in the packet. Staff is here to answer any questions,

Public Comments:

1. Regarding the notification of the Water Meter Project, (Discovery Bay Residents not represented well on this project). Does welcome the water meters. Did not receive a brochure from the Town.
2. Regarding the 23 questions that were submitted to the Town via email. On our website there are FAQ that should answer the 23 questions.

Legal Counsel Attebery – For the record if the 23 questions turned into a Public Document Request, the Town could provide documents responsive to his request, however in terms of asking written response to each question, we don't provide that. Most of the questions are answered on the website and through the FAQ.

3. Regarding the Town borrowing the money through a bond rather than through the reserves.
4. Regarding the issuance of the bonds to pay for the Water Meter Project – feels that there are sufficient funds in the reserves, and requesting reconsideration of the Water Meter Project.
5. Regarding owning homes here for the last 16 years – did not know anything about the project, and the cost of the water meters, owns 4 houses in Discovery Bay, however is in favor of the water meters.
6. Regarding the notification of the Water Meter Project.
7. Regarding the installation of the Water Meter Project; does not want to pay someone else for the installation.
8. Regarding the State Law of installation of the meters by 2025; what is the rush, not properly notified.
9. Regarding Nextdoor and the use of Social Media to post our agendas. Did not receive a brochure from the Town.
10. Regarding owns 2 homes, did not receive a brochure from the Town. How will the homeowner be billed? Once you receive a water meter you will be monthly, and that service fee will drop off of your property tax bill.
11. Regarding the cost of the meter and the installation. Did not receive a brochure from the Town.
12. Regarding the response of the 23 questions submitted via email. Recommended calling Town Staff.
13. Regarding the cost of the meter, should not have to subsidize.
14. Regarding reconsideration or alternatives to the cost.

Legal Counsel Attebery – has been discussing the water meter installation for approximately 3 years – passed in

2004 as a State mandated requirement by 2025. This board gave staff recommendation to start this year, in terms of financing. Before the board this evening is a staff recommendation to consider financing the meter project through the bond to allow more flexibility.

The discussion continued within the board regarding the Public Comment questions related to the difference between the surplus and reserves (restricted fund and unrestricted funds)

Legal Counsel Attebery – there is a reserve policy that identifies what should be used for a disaster, there is a baseline for what needs to be in the reserve fund; if reserve funds were used for the water meter project those funds would need to be replaced. There are several different accounts – Water, Wastewater, Parks, Lighting, Landscaping; which are maintained for maintenance and repair (restricted funds).

Finance Manager Breitstein – there is a reserve for water and for wastewater (\$4mil). Infrastructure replacement funds – generators, vehicle, sewer replacement and water replacements. Water and wastewater was combined and the Finance Department has separated the accounts. Water reserves amount (including the infrastructure replacement is approximately \$3mil and the wastewater reserves is the remaining amount. How was the cost of the meter determined; the installation of the water meters is a contract in the amount of \$1.3 mil; spread that out across the 3,500 homes that is \$394.00. On top of that is the product (meter, meter reader, rocks, bricks, etc.) each cost as well, total products is roughly \$1.288 mil (another \$364.00 per home). If you add those numbers you are close to \$758.00 for this meter project, not including the contingency and the other staffing and support. The meter in the ground can withstand water – researched different companies for the project; tested meters in the ground, long lifespan (warranty meter is a life expectancy of 20 years).

The discussion continued regarding the meters; the access to a customer portal that allows you to see your usage, will give you leak updates; will notify the Town office of a leak. The meters have been purchased in advance to eliminate costs and anticipation of having a shortage of meters once the project gets started.

The board gave a background of the water meters and the communication to the residents. The board discussed that all residents would receive the notification for the project well in advance. Also, in the committee meeting there was discussion regarding a tiered level, where a resident with a simple installation would pay for the simple install and for a more expensive installation that resident would pay for the more expensive install.

There was discussion within the board and staff regarding the financing of the water meter project through reserves or through the bond, along with continuing the discussion of a tiered level and the Notice to Proceed sent to JW Backhoe.

Motion by: Director Pease to adopt the revised Resolution 2017-01 which authorizes the Discovery Bay Public Finance Authority to issue Bonds to finance the improvements to the Town of Discovery Bay's Water and Wastewater Enterprises with a principal amount not to exceed \$11,500,000; approves the Installment Sale Agreements, the Preliminary Official Statement and other documents that are on file with the Secretary, along with changes as the Designated Officers may deem necessary or appropriate; and authorizes the General Manager, the Finance Manager, and the Secretary in the name of and on behalf of the District to take actions necessary in order to consummate the lawful issuance and sale of the Bonds; and direct the General Manager to work with the Financial Advisor, Bond Counsel, Underwriter and Trustee to proceed with the issuance of not to exceed \$11,500,000 principal amount of Discovery Bay Public Financing Authority, Series 2017 Water and Wastewater Enterprise Revenue Bonds.

Second by: President Leete

Vote: Motion Carried – AYES: 3 - President Leete, Director Mayer, Director Pease; NOES: 2 – Vice-President Graves, Director Steele

2. Consider for approval moving the date of the Annual Board Workshop that is currently scheduled for January 21, 2017 to January 28, 2017 or to another date.

General Manager Davies – Provided the details for the annual board workshop and the need to reschedule due to a board member not available on January 21st. The new meeting date will be Thursday, February 2, 2017 beginning at 6:30 p.m.

3. Review and Consider Adopting Resolution 2017-03 approving the proposed Debt Management Policy as required by California Government Code 8855(i)

General Manager Davies – Provided the details of a Debt Management Policy. The policy ensures that the long term debt is financed in a prudent way.

Finance Manager Breitstein – Provided additional details regarding a new Government Code in which we are now in compliance of.

Motion by: Director Pease to adopt revised Resolution 2017-03 Approving the Proposed Debt Management Policy as required by California Government Code 8855(i)

Second by: Vice-President Graves

Vote: Motion Carried – AYES: 5, NOES: 0

4. Consider approving the proposal by the Board President to make modifications to the Board Bylaws and Policies related to staff sub-committees and regional committees.

General Manager Davies – Provided the details of the proposed Bylaws modifications related to the staff sub-committee and regional committees.

President Leete – Provided additional details regarding the transition to standing committees which will meet along with the public, and an opportunity at an informal level for discussion. The Brown Act does not determine if a meeting is informal or formal, however, Roberts Rule of Order does apply to those meeting. The discussion continued regarding the time of the meeting.

Legal Counsel Attebery – Stated that a standing committee is subject to the Brown Act because the legislative body creates the committee. The desire to have the entire board is allowable under the Brown Act, however, only the two members are the members of the committee who can speak; the other board members that attend cannot speak.

The discussion continued regarding the 5 proposed standing committees along with how the members of the board would be assigned, along with the regional committees. President Leete will amend his proposal to withdraw any discussion regarding the Regional Committees and move to a future meeting.

Motion by: Director Pease to adopt Resolution No. 2017-04 and amend the Bylaws to reflect the change as Section 2 Terms and Responsibilities of Elected Officers and remove the references in respect to Regional Representation
Second by: Director Mayer

Vote: Motion Carried – AYES: 5, NOES: 0

5. Assignment/Selection of Committee Assignments by Board Members:

- Finance Committee – President Bob Leete
- Water and Wastewater Committee – Vice-President Kevin Graves
- Parks and Recreation Committee – Director Chris Steele
- Water and Wastewater Committee – Director Bill Pease
- Finance Committee – Director Bill Mayer
- Internal Operations Committee – President Bob Leete
- Internal Operations Committee – Vice-President Kevin Graves
- Communications Committee – Director Chris Steele
- Parks and Recreation Committee – Director Bill Pease
- Communications Committee – Director Bill Mayer

Motion by: Vice-President Graves to accept the appointments as volunteers to the committees for Finance, Water and Wastewater, Parks and Recreation, Internal Operations, and Communications.

Second by: Director Pease

Vote: Motion Carried – AYES: 5, NOES: 0

G. INFORMATIONAL ITEMS ONLY (NO ACTION NECESSARY)

1. District Financial Statement Report for the Period ending September 30, 2016

H. PRESENTATIONS

None

I. PRESIDENT REPORT AND DIRECTORS' COMMENTS

None

J. MANAGER'S REPORT – Discussion and Possible Action

None

K. GENERAL MANAGER'S REPORT – Discussion and Possible Action

General Manager Davies – Provided the details regarding the Solar Dryer panel which has been replaced, price \$500.00; Contra Costa County Health update – has not tested any positives for the Blue Green Algae, cautiously it is safe for swimming, however keep your eyes open, could possibly return.

L. DISTRICT LEGAL COUNSEL REPORT

None

M. SUB-COMMITTEE UPDATES – Discussion and Possible Action

N. CORRESPONDENCE – Discussion and Possible Action

None

O. PUBLIC RECORD REQUESTS RECEIVED

1. Request from Bill Helfrick - Water Meter Installation Cost and Financing – Request date December 21, 2016.

P. FUTURE AGENDA ITEMS

None

Legal Counsel Attebery – Provided the details regarding social media and that there is no legal requirement that you cannot provide agenda to social media, however, the recommendation is to stay off of social media.

Q. ADJOURNMENT

1. The meeting adjourned at 9:20 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 01-23-2017

<http://www.todb.ca.gov/agendas-minutes>



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

February 1, 2017

Prepared By: Dina Breitstein, Finance Manager & Lesley Marable, Accountant

Submitted By: Mike Davies, General Manager *MD*

Agenda Title

Approve Register of District Invoices

Recommended Action

Staff recommends that the Board approve the listed invoices for payment

Executive Summary

District invoices are paid on a regular basis, and must obtain Board authorization prior to payment. Staff recommends Board authorization in order that the District can continue to pay warrants in a timely manner.

Fiscal Impact:

Amount Requested \$ 161,977.24

Sufficient Budgeted Funds Available?: Yes (If no, see attached fiscal analysis)

Prog/Fund # See listing of invoices. **Category:** Operating Expenses and Capital Improvements

Previous Relevant Board Actions for This Item

Attachments

Request For Authorization to Pay Invoices for the Town of Discovery Bay CSD 2016/2017

Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 8 2016/2017

Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 9 2016/2017

AGENDA ITEM: C-2

**Request For Authorization To Pay Invoices (RFA)
For The Meeting On February 2, 2017
Town of Discovery Bay CSD
For Fiscal Year's 7/16 - 6/17**

<u>Vendor Name</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Amount</u>		
Contra Costa County Reimbursement						
Tee Janitorial	1/20/2017	8619	Janitorial	\$80.00		
Watersavers Irrigation	1/13/2017	1788814-00	Irrigation Service	\$100.10		
ProPet Distributors	1/5/2017	115829	Trash bags	\$27.21		
					Contra Costa County	
					Sub-Total	\$207.31
Water						
Badger Meter	12/31/2016	80009747	ORION Cellular reading	2192.96		
HD Supply Waterworks	12/16/2016	G566728	B12 Meter Box	420.00		
JW Backhoe & Construction	1/11/2017	2734	Water Leak Repair	2999.78		
JW Backhoe & Construction	1/11/2017	2733	Water Leak Repair	3733.48		
JW Backhoe & Construction	1/11/2017	2732	Paving	5980.98		
R&B Company	1/16/2017	S1621630.001	Water Main Repairs	442.63		
Luhdorff & Scalmanini	12/31/2016	32470	General Services	10825.00		
Luhdorff & Scalmanini	12/31/2016	32469	PLC upgrades	6444.74		
Paul E Vaz Trucking, Inc.	12/30/2016	46455	Freight	834.84		
Paul E Vaz Trucking, Inc.	12/30/2016	46454	Freight	755.95		
Univar	12/29/2016	SJ792184	Chemicals	197.50		
Univar	12/29/2016	SJ792183	Chemicals	237.00		
Univar	1/18/2017	SJ795332	Chemicals	217.25		
Univar	1/18/2017	SJ795333	Chemicals	205.40		
Freedom Mailing	1/12/2017	30504	Bill Processing	1007.62		
Big Dog Computer Systems	1/16/2017	BDC33277	IT Consulting	492.59		
Big Dog Computer Systems	1/16/2017	BDC33274	IT Consulting	646.00		
Big Dog Computer Systems	1/10/2017	BDC33270	IT Consulting	277.51		
JW Backhoe & Construction	1/20/2017	LSCE #16-5-102 PP#1	Progress payment Water Meter	\$80,762.30		
Tee Janitorial	1/20/2017	8619	Janitorial	\$285.60		
Cintas	1/11/2017	185587476	Uniforms	\$6.86		
Cintas	1/18/2017	185588433	Uniforms	\$6.86		
Megapath	1/17/2017	8293066	Telecommunications	\$405.02		
SDRMA	1/23/2017	21681	Ancillary Benefits	\$469.63		
NeoPost	1/15/2017	4658	Postage	\$256.00		
ReliaStar	1/31/2017		Employee 457b Contribution	\$433.02		
Brentwood Press	1/27/2017	10176-Post	Water Meter Project Mailings	\$1,030.00		
					Water	Sub-Total
						\$121,566.52
Wastewater						
State Water Res Contrl BD	1/11/2017	WD-0125044	Permit Fee	19719.00		
Office Depot	1/5/2017	892046153001	Office Supplies	10.71		
Office Depot	1/5/2017	892046152001	Office Supplies	\$93.39		
Big Dog Computer	1/10/2017	BDC33272	IT Consulting	\$283.75		
Big Dog Computer	1/16/2017	BDC33277	IT Consulting	\$738.88		
Big Dog Computer	1/16/2017	BDC33274	IT Consulting	\$969.00		
Tee Janitorial	1/20/2017	8619	Janitorial	\$428.40		
Cintas	1/11/2017	185587476	Uniforms	\$24.50		
Cintas	1/18/2017	185588433	Uniforms	\$24.50		
MegaPath	1/17/2017	8293066	Telecommunications	\$607.54		
SDRMA	1/23/2017	21681	Ancillary Benefits	\$704.44		
NeoPost	1/15/2017	4658	Postage	\$384.00		
Shred-It	1/7/2017	8121548121	Document Shredding	\$115.02		
Chris Steele	Jan-17	Expense Report	Expense Report	\$345.00		
Bill Pease	Jan-17	Expense Report	Expense Report	\$345.00		
Bill Mayer	Jan-17	Expense Report	Expense Report	\$495.75		
Some Gave All	Jan-17	Expense Report	Expense Report	\$755.66		
Robert Leete	Jan-17	Expense Report	Expense Report	\$345.00		
ReliaStar	1/31/2017		Employee 457b Contribution	\$649.53		
					Wastewater	Sub-Total
						\$27,039.07
Community Center						
					Community Center	Sub-Total
						\$0.00
					Grand Total	\$148,812.90

**Request For Authorization To Pay Invoices (RFA)
For The Meeting On February 2, 2017
Town of Discovery Bay, D.Bay L&L Park #8
For Fiscal Year's 7/16 - 6/17**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Office Depot	892045729001	Office Supplies	01/05/17	320.00
Brentwood Press	195029	Activity guide	12/23/16	5478.00
Burkett's Pool Plastering INC.	97966	Handrail & Deck Sealing	01/03/16	3,800.00
US Healthworks	3044707-CA	Community Center/ Recreation New Hire test	01/29/17	25.00
State of California Department of Justice	210901	Background Check	01/05/17	98.00
Discovery Pest Control	200730	Pest Control	12/30/16	99.00
Big Dog Computer	BDC33275	IT Support	01/16/17	97.50
Hydropoint	23114	Weather Track Renewal	01/12/17	225.00
Propet Distributors, Inc.	115829	Trash Liners	01/05/17	9.07
Delta Debris Box Service	1278801	20 Yard Bin	12/31/16	408.00
Denalect Alarm Company	R41370	Quarterly Alarm Charge	01/03/17	90.00
Watersavers Irrigation Inc.	1788814-00	Landscape Maintenance	01/13/17	63.70
Tee Janitorial	8619	Janitorial	01/20/17	\$980.00
Cintas	185588433	Uniforms	01/18/17	\$108.47
Cintas	185587476	Uniforms	01/11/17	\$108.47
MegaPath	8293066	Telecommunications	01/17/17	\$290.67
ASCAP	500750571	License	12/20/16	\$341.00
			Total	\$12,541.88

Request For Authorization To Pay Invoices (RFA)
For The Meeting On February 2, 2017
Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)
For Fiscal Year's 7/16 - 6/17

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Propet Distributors Inc.	115829	Trash bags	01/05/17	9.07
Watersavers Irrigation	1788814-00	Irrigation repairs	01/13/17	18.25
Delta Debris Box	1278801	20 Yard bin	12/31/2016	\$204.68
Tee Janitorial	8619	Janitorial	01/20/17	\$280.00
Cintas	185588433	Uniforms	01/18/17	\$55.08
Cintas	185587476	Uniforms	01/11/17	\$55.38
			Total	\$622.46

**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

PROCLAMATION NO. 17-01

WHEREAS, Mary Nejedly-Piepho is, first and foremost, an esteemed resident of the Town of Discovery Bay Community Services District in Contra Costa County; and

WHEREAS, Prior to her election as a County Supervisor, Mary was elected to the Byron Union School District Board of Trustees, served as Director of the Discovery Bay Chamber of Commerce, and was President of the Los Medanos Community College Foundation; and

WHEREAS, In 2004 Mary was first elected to the Contra Costa County Board of Supervisors representing District 3, the largest of the five County districts, which includes the Town of Discovery Bay; and

WHEREAS, Mary was reelected to the Board of Supervisors in 2008 and in 2012, and during her tenure was twice voted by her peers to serve as Chair of the Board; and

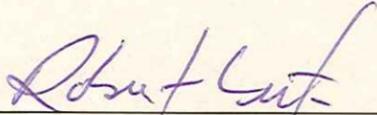
WHEREAS, Mary served as a staunch advocate for the health, safety, and welfare of the residents of the Town of Discovery Bay; and

WHEREAS, Among Mary's many accomplishments she fought for preservation of the Delta, improved traffic flow on Highway 4, battled against construction of the peripheral canal, championed safety for Vasco Road commuters, promoted veteran support services, boosted local law enforcement presence and involvement, promoted East County focus on delivering and sustaining fire services, organized multi-agency efforts to control the outbreak of invasive aquatic plants in our local waterways, improved safety for boating and recreational water activities, and ensured county support for bolstering Town infrastructure; and

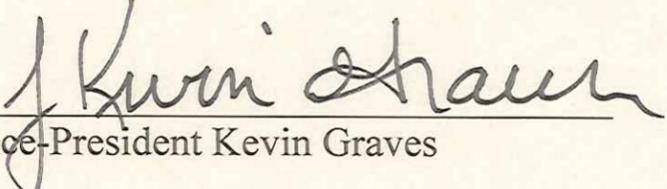
WHEREAS, Mary gave the Town of Discovery Bay a true voice concerning regional, county, state, and national matters affecting the Town's interests;

NOW, THEREFORE, BE IT RESOLVED that we, the Board of Directors of the Town of Discovery Bay, hereby approve this proclamation thanking and honoring MARY NEJEDLY-PIEPHO for her twelve years of dedicated service on the Board of Supervisors and her representation of Discovery Bay.

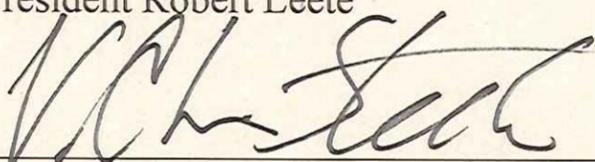
APPROVED AND ADOPTED this 1ST day of February 2017.



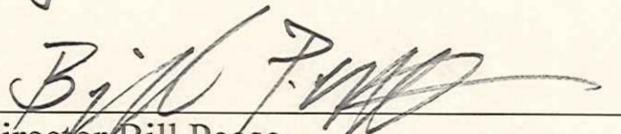
President Robert Leete



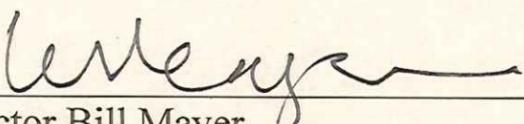
Vice-President Kevin Graves



Director Chris Steele



Director Bill Pease



Director Bill Mayer



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date
February 1, 2017

Prepared By: Mike Davies, General Manager
Submitted By: Mike Davies, General Manager *MDA*

Agenda Title:

Consider and direct Town Counsel on whether or not to send a letter to the third party bill service provider, doxo, demanding doxo cease and desist use of the Town's website, logo or any reference to the District on doxo's website.

Recommended Action

Consider and direct Town Counsel on whether or not to send a letter to the third party bill service provider, doxo, demanding doxo cease and desist use of the Town's website, logo or any reference to the District on doxo's website.

Executive Summary

On January 12, 2017, staff received an email from another public entity that advised a bill pay website by the name of doxo was illegally using agency logos. We were advised that doxo did remove agency logos when specifically contacted and directed to do so.

Doxo is a third-party bill pay service provider. It is a user-based website that compiles users' bills and sends out payment. It does not appear that they require authorization from any agency prior to information being added by users. To staff's recollection, we have never received a payment via doxo.

Screenshots of the Discovery Bay version of the doxo website are attached. The website address is <https://www.doxo.com/info/town-discovery-bay-csd>.

Referring to the screenshots, there are two places where the Town of Discovery Bay logo are used: 1) In the upper left corner affixed to a mock street address sign, and 2) in a screenshot link of the opening page of our Town's website.

It is unknown the manner in which doxo displayed the logos of other agencies in the past so as to prompt agency demand for removal, but their current website may be less concerning than what was done in the past. There is a disclaimer on the doxo website that states, "Logos and other trademarks within this site are the property of their respective owners. doxo is not an affiliate of Town Of Discovery Bay Csd (CA)."

Town Counsel, Rod Attebery, has drafted a letter to doxo demanding that they cease and desist use of our Town's website, logo or any reference to the District on their website (see attached). If the Board so directs, this letter (or a modified version as determined by the Board) will be sent to doxo.

Fiscal Impact: None

Amount Requested \$

Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

Attachments

Screenshots (2 pages) taken of doxo website at www.doxo.caom/info/town-discovery-bay-csd
Cease and Desist letter to doxo written by Town Counsel Rod Attebery of Neumiller & Beardslee

AGENDA ITEM: G-2

Pay your bill: Town Of Discovery Bay Csd (CA)

 **1234 Lakeview Ct**

Town Of Discovery Bay Csd (CA)

Also Known as: townofdiscoverybay.org

Amount

\$ Pay Bill



Pay Town Of Discovery Bay Csd (CA) quickly and securely with your Visa, MasterCard, or Discover credit card or debit card, or with your bank account, online or with your mobile phone. Town Of Discovery Bay Csd (CA) was added to the directory by a user on February 27, 2014. Logos and other trademarks within this site are the property of their respective owners. doxo is not an affiliate of Town Of Discovery Bay Csd (CA). Learn [how doxo works](#).

- [\\$ Pay Bill](#)
- [▶ Online Login](#)
- [▶ Customer Service](#)
- [▶ Website](#)

Town Of Discovery Bay Csd (CA) FAQ

- [Is online bill pay available for Town Of Discovery Bay Csd \(CA\)?](#)
- [What's the login page for Town Of Discovery Bay Csd \(CA\)?](#)
- [I need help logging in to my Town Of Discovery Bay Csd \(CA\) account. Where's the best place to get help?](#)
- [How can I access my Town Of Discovery Bay Csd \(CA\) account via my mobile device?](#)
- [How do I contact Town Of Discovery Bay Csd \(CA\) if I have a question about my account or bill?](#)

[See all Frequently Asked Questions](#)

Contacting Town Of Discovery Bay Csd (CA)

Options for reaching Town Of Discovery Bay Csd (CA) customer service.

[Homepage](#)

www.townofdiscoverybay.org



[Phone Numbers](#) [Edit](#)

Contact Phone 925-634-1131

Support Phone (925) 634-1131

[Locations and Addresses](#) [Edit](#)

HQ Address 1800 Willow Lake Road
Discovery Bay, CA 94505



About Town Of Discovery Bay Csd (CA) ?

[Edit](#)

General information about Town Of Discovery Bay Csd (CA)

Services:

Water & Sewer

Industry Groups:

Utilities

Service Areas:

Town Of Discovery Bay Csd (CA) Followers

Town Of Discovery Bay Csd (CA) has the most followers in these areas: ?



Discovery Bay, CA Byron, CA

Customers that follow Town Of Discovery Bay Csd (CA) most often also follow: ?

	Discovery Bay Disposal	\$
	Pacific Gas & Electric	\$
	Chase	\$
	Comcast	\$
	Credit One Bank	\$

Frequently Asked Questions

Questions about Town Of Discovery Bay Csd (CA)? Maybe we can help.

Is online bill pay available for Town Of Discovery Bay Csd (CA)?

Town Of Discovery Bay Csd (CA) can be paid online through doxo. Click here to [make a payment to Town Of Discovery Bay Csd \(CA\)](#) to make a payment. Town Of Discovery Bay Csd (CA) can also be paid online at their website. Click here to [make a payment to Town Of Discovery Bay Csd \(CA\)](#) for Town Of Discovery Bay Csd (CA) bill pay, or visit the Town Of Discovery Bay Csd (CA) website at www.townofdiscoverybay.org

What's the login page for Town Of Discovery Bay Csd (CA)?

No online login or account management is provided by Town Of Discovery Bay Csd (CA). If you have a question about your bill or account status, you may contact Town Of Discovery Bay Csd (CA) by calling 925-634-1131

I need help logging in to my Town Of Discovery Bay Csd (CA) account. Where's the best place to get help?

Contact customer support for Town Of Discovery Bay Csd (CA) if you need help accessing your account or resetting your password. Visit their support page here: www.townofdiscoverybay.org.

How can I access my Town Of Discovery Bay Csd (CA) account via my mobile device?

Town Of Discovery Bay Csd (CA) does not offer their customers a mobile app for iOS or Android. You can use the doxo My Account Manager app to keep your account info, notes, documents, and contact information for Town Of Discovery Bay Csd (CA). Download and install [doxo My Account Manager for iPhone](#) or [doxo My Account Manager for Android](#) now.

How do I contact Town Of Discovery Bay Csd (CA) if I have a question about my account or bill?

Support resources for Town Of Discovery Bay Csd (CA) are available online at www.townofdiscoverybay.org. The information listed on that page can help if you need to update your account or have other questions about your bill or statement. Reach Town Of Discovery Bay Csd (CA) via phone at (925) 634-1131.

Does Town Of Discovery Bay Csd (CA) have any nicknames or is it known as anything else?

No, Town Of Discovery Bay Csd (CA) only seems to be known as "Town Of Discovery Bay Csd (CA)".

Can I pay Town Of Discovery Bay Csd (CA) with a debit card?

Yes, you can [pay Town Of Discovery Bay Csd \(CA\) with your Discover, MasterCard or Visa Debit Card](#). Town Of Discovery Bay Csd (CA) is also payable via debit card at their [website](#).

Can I pay Town Of Discovery Bay Csd (CA) with a credit card?

Yes, you can [pay Town Of Discovery Bay Csd \(CA\) with your Discover, MasterCard or Visa Credit Card](#). Town Of Discovery Bay Csd (CA) is also payable via credit card at their [website](#).



Neumiller & Beardslee

ATTORNEYS AND COUNSELORS | EST. 1903

A Professional Corporation

18632-25424

Rod A. Attebery

509 West Weber Avenue
Fifth Floor
Stockton, CA 95203

January 18, 2017

Post Office Box 20
Stockton, CA 95201-3020

Via U.S. Mail

(209) 948-8200
(209) 948-4910 Fax

Doxo, Inc.
2025 First Avenue, Suite 270
Seattle, WA 98121

NEUMILLER.COM

Re: Demand to Cease and Desist References to Discovery Bay and Unauthorized Acceptance of Payments from Discovery Bay Customers

Dear Doxo, Inc.:

This office is legal counsel for Town of Discovery Bay Community Services District (“District”). On behalf of our client, this letter serves as a demand from the District that your company immediately cease and desist use of the District’s website, logo, or any reference to the District on your website.

The District is a community service district created pursuant to California Government Code section 61000 *et seq.* The Government Code grants community service districts powers over the provision and administration of services to customers and the acceptance of payments for services.

The District acknowledges that you provide an online payment service that is primarily created by user input. However, the District demands that you immediately cease the placement of links to the District’s website, use of the District’s logo, or any posted reference to the District on your website. The District has neither authorized the use of your service for District fee payments by customers, nor approved a process to accept payments from customers that use your service.

Any acceptance of payments by Doxo, Inc. from customers for District services would be a misrepresentation of District policies and would be unlawful. Therefore, we ask that you immediately remove any reference to the District and no longer allow users of your site to insert information related to the District.

January 18, 2017
Page 2

Should you have any further questions regarding this matter, please do not hesitate to contact me at 209.948.8200.

Very truly yours,

ROD A. ATTEBERY
Attorney at Law

**THIRD AMENDMENT TO EMPLOYMENT CONTRACT
BETWEEN CATHERINE O. KUTSURI AND THE
TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT**

This Third Amendment (“Amendment”) to the Employment Contract between Catherine O. Kutsuris (“**Employee**”) and Town of Discovery Bay Community Services District, a community services district organized under the laws of the State of California (“**Employer**”), dated February 1, 2016 (“Contract”) is made and entered into this ____ day of February, 2017.

Recitals

WHEREAS, the original Contract term continued until Employer’s appointment of a permanent General Manager; and

WHEREAS, Employer appointed a permanent General Manager on December 21, 2016; and

WHEREAS, the incoming permanent General Manager’s duties became effective January 3, 2017; and

WHEREAS, Employer and Employee entered into the Second Amendment of the Contract so that Employee would provide hourly assistance as needed to the new permanent General Manager during the month of January 2017; and

WHEREAS, Employer now desires to extend Employee’s term and Employee has agreed to continue to be employed by Employer as a Part Time Employee with the duty of providing transition services and institutional knowledge to permanent General Manager for the additional period of February 1, 2017 through June 30, 2017, in an amount not to exceed 120 hours; and

WHEREAS, the Employer and the Employee desire to amend Sections 2, 4, and 14 of the Contract to reflect the extension of the existing Contract term for Employee’s employment as a Part Time Employee through June 30, 2017; and

WHEREAS, both parties desire to amend the Contract to reflect this change.

Agreement

NOW, THEREFORE, the Contract is amended as follows:

1. Section 2.E of the Contract is amended to read as follows:

E. Effective January 3, 2017, Employee shall no longer be employed as Interim General Manager and shall remain employed by the Employer as a Part Time Employee to provide, at the request of permanent General Manager, transition services and institutional knowledge to Employer's permanent General Manager through June 30, 2017. For the period of February 1, 2017 through June 30, 2017, Employee will work a maximum of 120 hours.

2. Section 4.B of the Contract will be amended to read as follows:

B. During the period of January 3, 2017 through June 30, 2017 Employer agrees to compensate Employee for her Part Time Employee duties of providing transition services and institutional knowledge to Employer's permanent General Manager at a rate of \$64.38 per hour, an amount equal to Interim General Manager salary converted to hourly compensation, payable bi-weekly and subject to usual and normal withholdings.

3. Section 14.D of the Contract is amended to read as follows:

D. During the period of January 3, 2017 through June 30, 2017, for the purposes of Employer's Personnel Manual, Employee shall be considered a "Part Time Employee."

4. This Amendment shall become effective February 1, 2017.

5. Except as modified by this Amendment, the Contract shall remain unchanged and is in full force and effect.

6. The terms and provisions of this Amendment are incorporated by this reference into the Contract as though set forth in full therein.

7. This Amendment may be executed in any number of counterparts with the same effect as if the parties had all signed the same document, and which together shall constitute one and the same instrument.

EMPLOYER

TOWN OF DISCOVERY
COMMUNITY SERVICES DISTRICT

EMPLOYEE

By: _____
Robert Leete, President

Catherine O. Kutsuris

Charles & Carol Helfrick
661 Beaver Court
Discovery Bay, California 94505

925-516-1227

TownOfDiscoveryBay CSD
Received
JAN 13 2017

January 9, 2017

Mike R. Davies
General Manager
Town of Discovery Bay
1800 Willow Lake Road
Discovery Bay, CA 94505-9376

RE: Public Records Act Request

Dear Mr. Davies:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following, which I understand to be held by your agency:

1. Complete copies of all bids received from January 1, 2014 through December 31, 2016 for the installation of the water meters for the Town of Discovery Bay;
2. Complete copies of any other bids from January 1, 2014 through December 31, 2016 related to the installation of the water meters for the Town of Discovery Bay.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records requested.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

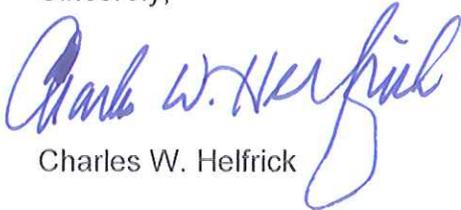
In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

Mike R. Davies
General Manager
January 9, 2017
Page 2

If I can provide any clarification that will help expedite your attention to my request, please contact me. I ask that you notify me of any duplication costs exceeding \$100.00 before you duplicate the records so that I may decide which records I want copied.

Thank you for your time and attention to this matter.

Sincerely,



Charles W. Helfrick

Administration
925-335-7899
925-335-7893 fax

Elections
925-335-7800
925-335-7836 fax

Civic Engagement
925-335-7805
925-335-7893 fax

Contra Costa County
Clerk-Recorder-Elections Department
Civic Engagement and Outreach
555 Escobar Street
Martinez, CA 94553

Joseph E. Canciamilla
County Clerk-Recorder
and Registrar of Voters

Deborah R. Cooper
Deputy County Clerk-Recorder

Scott O. Konopasek
Assistant County Registrar

Paul Bugarino
Civic Engagement Specialist

TownOfDiscoveryBay CSD
Received
JAN 13 2017



January 10, 2017

Happy New Year,

Thank you again for partnering with the Elections Division to make our Vote-N-Go Program successful in the November Election.

You and your office staff played a key role in providing a convenient service for over 53,000 residents of our communities. Voters were able to drop their ballots at your trusted locations instead of traveling to the Martinez office or their polling places. The service also saved our poll workers from having to serve thousands of voters, who would have been waiting in polling place lines on Election Day.

We look forward to working with you in future elections. If you have any questions or comments, please feel free to contact Paul in our Civic Engagement Division at 925-335-7805 or Paul.Bugarino@vote.cccounty.us.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Canciamilla".

Joseph E. Canciamilla
County Clerk-Recorder, Registrar of Voters

CoCo Vote-N-Go Program: Presidential General Election November 2016
Number of Ballots Picked Up October 18 - November 9

	Apache	Brentwood	Clayton	Concord	CoCo County Admin Bldg	Crockett Library	Danville	Dix Bay Cn Cr	Dohy Stn Lib	El Centro	El Estrella Library	Hercules	Kensington Library	Lafayette	Marine SF Cr	Morgan	Oakley	Oroville	Pinole	Pittsburg	Pleasant Hill	Richmond	San Pablo	San Ramon	TV Library	Walker Creek	Daily Totals	
18-Oct							247		22						112		50		77					252		268	1,028	
19-Oct	255	258	117	306														134		175	258				46	1,549		
20-Oct					44					329	13	101	21		85					164		125	58			940		
21-Oct	101	134	54	232		2	261	2	12					100		151		94		66	134			271		269	1,883	
24-Oct										151	31	38	27							50			64	12			383	
25-Oct		346					384		17				169		213		107		92			300		521	83	369	2,601	
26-Oct	376	123	186	540				19										301			252					1,797		
27-Oct					60					420	25	95	40		145					357			142	85			1,369	
28-Oct	219	296	61	133			284		30									146			101	474		597	82	479	2,902	
31-Oct		78	64				33	198	10		37	34	132	21	364	124	342	130	116	223		68	115	47	699		318	3,153
1-Nov		230	129	365		129	190	17	40	189	42	38	16	71	124	62	26	387	68	126	68	110	8	268		280	2,983	
2-Nov	411	186	69	229			211		31	34			97	86	46	114	48	155	126	66	248	75	40	234	154	241	2,901	
3-Nov		229	83	221			306			51	18	109	31	81	67	82	111	147	106	145		103	39	243		326	2,498	
4-Nov		137	65	271		16	285	29	35	44	24		17	98				185		61	426	105		301	173	303	2,575	
7-Nov	423	389	211	820		31	476	24		448	104	496	74	402		321	281	421	91	360	1101	267	79	850		1258	8,927	
8-Nov	533	676	214	923	221	29	816		154	477	93	77	37	561	337	308	522	396	480	403	755	567	94	952	108	341	10,074	
9-Nov	770	463	108	510		10	625	36	41	319	26	19	6					490		329	575	163	214	5	332	43	973	6,057
Totals	3,088	3,545	1,361	4,550	325	250	4,283	137	382	2,499	410	1,371	290	2,088	928	1,537	2,189	2,070	2,004	2,330	3,995	1,887	467	5,520	689	5,425	53,620	
	5.76%	6.61%	2.54%	8.49%	0.61%	0.47%	7.99%	0.26%	0.71%	4.66%	0.76%	2.56%	0.54%	3.89%	1.73%	2.87%	4.08%	3.86%	3.74%	4.35%	7.45%	3.52%	0.87%	10.29%	1.28%	10.12%	100.00%	

Certificate of Recognition

presented to

Discovery Bay Staff

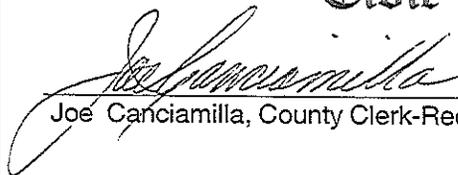
in recognition of your hard work, outstanding effort

and successful participation in the

CoCo Vote-A-Go Program

November 8, 2016 Presidential Election

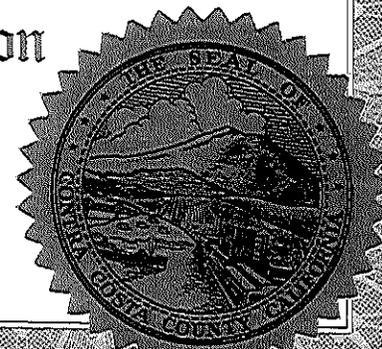
Civic Engagement and Outreach Division



Joe Canciamilla, County Clerk-Recorder-Registrar of Voters

12/7/2016
Date

Paul Burgarino, Outreach & Education Specialist



TownOfDiscoveryBay CSD
Received
JAN 25 2017

Charles and Carol Helfrick
661 Beaver Court
Discovery Bay, California 94505
925-516-1227

January 23, 2017

Mike R. Davies
General Manager
Town of Discovery Bay Community Service District
1800 Willow Lake Road
Discovery Bay, California. 94505-9376

RE: Public Records Act Request

Dear Mr. Davies:

At the Town of Discovery Bay CSD meeting held on January 18, 2017, I requested an agenda item be placed on the next meeting for reconsideration of the water meter installation project. In reviewing the recording posted on the town website of the meeting, at 44 minutes 48 seconds into that recording, Mr. Attebery, made a statement to the Board that the time had passed for reconsideration of this issue.

Pursuant to my rights under the California Public Record Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following, which I understand to be held by your agency or your agent, Mr. Attebery:

1. A listing of the Points and Authority on which Mr. Attebery based his opinion that the time had passed to allow an agenda item for reconsideration of the water meter installation issue;
2. Any other documents or information that confirms that the time has passed to allow an agenda item for reconsideration of the water meter installation issue.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records requested.

If you determine that any or all of the information qualifies for an exemption from the disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me. I ask that you notify me of any duplication costs exceeding \$100 before you duplicate the records so that I may decide which records I want copied.

Thank you for your time and attention to this matter.

Sincerely,


Charles Helfrick

East County Voters for Equal Protection
1300 Crescent Drive
Brentwood, CA 94513

January 25, 2017

Mike Davies, General Manager
And Members of the Board of Directors
Town of Discovery Bay
1800 Willow Lake Rd
Discovery Bay, CA 94505

Dear Madams and Sirs,

In May, 2016, an officer of East Contra Costa Fire Protection District (ECCFPD) testified at a Local Agency Formation Commission (LAFCO) meeting convened to review fire services in Contra Costa County that three heart attack victims in Discovery Bay died because fire services could not respond quickly enough.

A recent study estimated ECCFPD gets roughly \$106 per resident in property tax funding, while the San Ramon Valley Fire Protection District receives about \$349 per resident, and the Moraga-Orinda Fire Protection District receives about \$366 per resident.

East County Voters for Equal Protection was formed to address this unequal funding of an essential government service, fire and emergency medical service. A workshop is planned to discuss this crisis and possible solutions. It is incumbent on all government entities that receive property tax funds to participate in solving this crisis. Please join us:

WHAT: ECCFPD FUNDING WORKSHOP

DATE AND TIME: Thursday, February 23, 1:00 pm to 5:00 pm

LOCATION: Summerset IV (Summerset Orchards) Clubhouse, Brentwood, Ca.

ATTENDEES: Elected officials and appointed managers of public entities within the ECCCFPD boundaries (City council members, city managers, school board members, Superintendents of School districts, Special District board members, BOS members and County Administrator, and others).

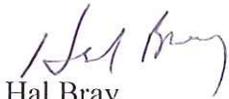
FACILITATOR: Dan Weldon is a professional facilitator who will lead the activities. Dan was an elected member of the Walnut Creek school board for 22 years. He was Director, Governance Consulting and Executive Search Services, for the California School Board Association, and President of the California School Boards Association. In the private sector, Dan has an extensive background in technology management and leadership at Bank of America. As a volunteer, Dan served as Treasurer of the Contra Costa Hispanic Chamber of Commerce.

GOALS: At the end of the session participants:

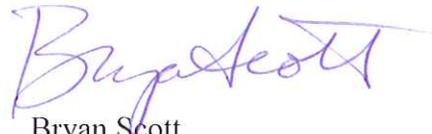
1. Will understand and agree on the fire district's current funding crisis;
2. Agree that their organization will be a participant in the solution to the crisis, and will understand the procedural mechanics of transferring property tax or operating funds to ECCFPD;
3. Will agree to continue working toward a solution, possibly choosing a working group (or several) to continue the process. Those entities that can will agree to a financial commitment.

Please call Hal Bray at 925.240.7018 or Bryan Scott at 925.418.4428 with any questions you may have or to discuss your participation. Additional handout materials will be provided at the workshop.

Sincerely,



Hal Bray
Co Chair, East County Voters
for Equal Protection



Bryan Scott
Co Chair, East County Voters
for Equal Protection

Enclosures:

- History/Solution Paper
- Allocation Amounts Spreadsheet

Workshop Handout

February 23, 2017

History

When the Contra Costa County Board of Supervisors moved to consolidate the three then present fire districts of Bethel Island FD, East Diablo FD and Oakley FD into the current East Contra Costa Fire Protection Services District (ECCFPD) back in 2002, they did so with the expectation that the Pay-on-Call (PoC) staffing model then in use would continue as part of the district's operations.

The marketing materials used to communicate the consolidation plans to the public, as well as the county's staff reports from 2002, emphasized this fact, as did Local Agency Formation Commission (LAFCO) reports from that same year.

No new funding was anticipated, other than the incremental growth resulting from residential and business development, along with the normal increases in property values.

The goal of the consolidation was to take advantage of the economic efficiencies possible when running one district instead of three. These efficiencies were outlined in the Davis Report, a consultant's study by a firm of the same name, paid for by the CCC Supervisors in 2002. The goal was to provide the best service possible given the fiscal constraints.

Over time the ECCFPD Board of Directors allowed the organization to move away from the PoC staffing model in favor of a Full Time Employee (FTE) staffing model. The Board listened to the unions and the Fire Chief explain that other professional fire districts use the FTE model successfully, and that it makes sense for our District.

But no one changed the funding model.

Fundamentally a PoC staffed organization is less expensive than an FTE organization. An FTE model is based on the guild methodology, with its apprentice, journeyman and master labor categories, and extensive benefits programs. This includes post-employment personnel costs as well.

When making the change in staffing models the Board neglected to make any changes in the funding methods or revenue levels for the ECCFPD. This is how district residents come to be in the current situation. There are just three permanent stations and nine firefighters serving the needs of over 110,000 people.

The property tax funding model in place today has its roots in the PoC staffing model. The ECCFPD gets the lowest allocation percentage of all fire districts in the county, between 7% and 8% of the ad valorem property tax dollars. Other districts, with unionized FTE staffing models,

get 12%, 14%, 15%, 21%, and as much as 30%. The county average is 12%, according to LAFCO reports.

Between the years 1928 and 1984 there existed the Brentwood Fire Protection District. It had a single fire house, Station 91, located in downtown Brentwood. This station was later renamed Station 54, and it is vacant today.

In 1984 the Brentwood Fire PD merged with Marsh Creek Area of the Eastern Fire Protection District to form the East Diablo Fire Protection District. The Eastern Fire Protection District was a large district, and included a number of "Areas," such as the Moraga Area, the San Ramon Area, the Tassajara/Highland Area, and the Pittsburg-Antioch Area, in addition to the Marsh Creek Area.

In 1991 the Byron Fire Protection District was added to the East Diablo Fire Protection District, and finally in 2002 the present ECCFPD was formed when the Bethel Island Fire District, the East Diablo FPD and the Oakley Fire District were consolidated into a single entity.

It is important to note that through the entire post-Proposition 13 era there were no changes to the funding rates of the various fire districts. The districts had limited financial resources, but the histories of each are rich with events illustrating community support.

A recent study calculated that ECCFPD receives property tax funding of \$106- per-person for each of the 110,000 residents in the area it serves.

Other fire districts in the county are allocated considerably more property tax dollars for their life-sustaining services. On a per-person basis, San Ramon Valley Fire Protection District receives roughly \$349 per person for each of its 169,900 district residents. The Moraga-Orinda Fire Protection District, a smaller district in terms of population and area, receives \$366 per person.

Both of these fire districts were well-established residential areas when the property tax allocation percentages were determined in the 1970s. Back then, the Moraga-Orinda and San Ramon Valley communities were setting aside what they determined was an appropriate amount for fire and emergency medical services. Setting their property tax dollar allocations at 21 percent and 15 percent, respectively, has provided, and continues to provide, acceptable levels of service.

This is not the case for the 7.5% tax allocation for the ECCFPD.

A Modest Proposal

Reforming the tax allocation practices of East County to fund the financially ailing East Contra Costa Fire Protection District (ECCFPD) requires one of two simple procedures. Which of the

two procedures is to be followed depends on the type of agency receiving government funding, whether it is a general government/special district entity or a school district entity.

General government/special district entities would use Section 99.02 of the California Revenue and Taxation Code. This section describes a procedure including 1) a public hearing, 2) adoption of a resolution passed by the agency, and 3) notifying the county auditor of the change. This process could be completed in as little as three months.

Using a four-year phase-in strategy no agency funding would have to be cut. Future growth in property taxes could fund each entity's reallocation amount. The shifting of 1.3% of property tax funding the first year, 2.6% the second year, 3.9% the third year, and 5.2% the fourth would all be absorbed by the expected growth in property tax revenues. All requirements of Section 99.02 would be satisfied.

School district entities would enter into a Memorandum of Understanding (MOU) with the ECCFPD to transfer budgetary funds equal to 5.2% of the property tax funds received. Using a four-year phase-in this public revenue transfer would equal 1.3% the first year, 2.6% the second year, 3.9% the third year, and 5.2% the fourth year.

California legislative action would codify these agreements with subsequent legislation dealing with only these entities and the ECCFPD.

Sample Documents

Addendum A: A Sample Resolution

Addendum B: A Sample Property Tax Transfer Agreement

Sum of Base Tax				
Description	Total	5.2% Total	Four Years	Three Years
	165,127,432.02	\$8,586,626.47	\$2,146,656.62	\$2,862,208.82
ANTIOCH UNIFIED	2,123,923.38	\$110,444.02	\$27,611.00	\$36,814.67
BART	1,203,856.64	\$62,600.55	\$15,650.14	\$20,866.85
BAY AREA AIR MGMNT	350,912.23	\$18,247.44	\$4,561.86	\$6,082.48
BETHEL IS MUNI IMP	430,748.56	\$22,398.93	\$5,599.73	\$7,466.31
BRENTWOOD ELEM	12,388,740.92	\$644,214.53	\$161,053.63	\$214,738.18
BRENTWOOD ELEM*	1,825,084.61	\$94,904.40	\$23,726.10	\$31,634.80
BRENTWOOD RDA	-	\$0.00	\$0.00	\$0.00
BRNTWD RECR & PARK	2,144,234.93	\$111,500.22	\$27,875.05	\$37,166.74
BTWD RDA AMND 1	-	\$0.00	\$0.00	\$0.00
BYRN B K U CEMTERY	568,572.86	\$29,565.79	\$7,391.45	\$9,855.26
BYRON ELEM	3,242,155.84	\$168,592.10	\$42,148.03	\$56,197.37
BYRON ELEMENTARY*	977,025.60	\$50,805.33	\$12,701.33	\$16,935.11
BYRON SANITARY	35,680.43	\$1,855.38	\$463.85	\$618.46
BYRON-BETHANY IRR	1,076,684.01	\$55,987.57	\$13,996.89	\$18,662.52
C C FLOOD CONTROL	333,848.73	\$17,360.13	\$4,340.03	\$5,786.71
CC RES CONSV	30,830.06	\$1,603.16	\$400.79	\$534.39
CHABT-LP COMM COLL	1,794.64	\$93.32	\$23.33	\$31.11
CITY OF ANTIOCH	(626.30)	(\$32.57)	(\$8.14)	(\$10.86)
CITY OF BRENTWOOD	10,456,341.45	\$543,729.76	\$135,932.44	\$181,243.25
CITY OF OAKLEY	2,570,468.98	\$133,664.39	\$33,416.10	\$44,554.80
CO CO COMM COLLEGE	8,789,894.94	\$457,074.54	\$114,268.63	\$152,358.18
CO CO MOSQUITO ABA	2,375,222.64	\$123,511.58	\$30,877.89	\$41,170.53
CO SERV AREA L-100	26,387.45	\$1,372.15	\$343.04	\$457.38
CO SERV AREA RD-4	6,225.23	\$323.71	\$80.93	\$107.90
CO SUPT SCHOOLS	3,442,764.34	\$179,023.75	\$44,755.94	\$59,674.58
CO WATER AGENCY	26,244.36	\$1,364.71	\$341.18	\$454.90
COMM COLLEGE ERAF	3,577,250.86	\$186,017.04	\$46,504.26	\$62,005.68
CONTRA COSTA WATER	272,926.17	\$14,192.16	\$3,548.04	\$4,730.72
COUNTY GENERAL	20,032,576.14	\$1,041,693.96	\$260,423.49	\$347,231.32
COUNTY LIBRARY	2,845,082.06	\$147,944.27	\$36,986.07	\$49,314.76
DEV CTR HDCP MINOR	52.78	\$2.74	\$0.69	\$0.91
DISC BAY RECL	46,489.94	\$2,417.48	\$604.37	\$805.83
EAST BAY REGNL PK	381,229.24	\$19,823.92	\$4,955.98	\$6,607.97
EAST CC IRRIGATION	3,047,095.73	\$158,448.98	\$39,612.24	\$52,816.33
EAST CO CO FIRE	12,440,501.88	\$646,906.10	\$161,726.52	\$215,635.37
ED PHYS HDCP ELEM	295.73	\$15.38	\$3.84	\$5.13
EDUC TMR ALAMEDA	133.41	\$6.94	\$1.73	\$2.31
FLOOD CONTRL D-290	1,904.94	\$99.06	\$24.76	\$33.02
FLOOD CONTROL D300	4,476.70	\$232.79	\$58.20	\$77.60
FLOOD CONTROL Z-1	1,923,044.43	\$99,998.31	\$24,999.58	\$33,332.77
FLOOD CONTROL Z-3B	21.79	\$1.13	\$0.28	\$0.38
IRONHOUSE SANITARY	288,239.25	\$14,988.44	\$3,747.11	\$4,996.15
K-12 SCHOOLS ERAF	24,012,710.62	\$1,248,660.95	\$312,165.24	\$416,220.32
KNIGHTSEN ELEM	951,930.17	\$49,500.37	\$12,375.09	\$16,500.12
KNIGHTSEN ELEM*	699,906.01	\$36,395.11	\$9,098.78	\$12,131.70
LIBERTY HIGH	26,181,994.52	\$1,361,463.72	\$340,365.93	\$453,821.24
LIVERMORE JT UNIFD	14,155.41	\$736.08	\$184.02	\$245.36
LOS MED HLTH CARE	33,272.84	\$1,730.19	\$432.55	\$576.73
MT DIABLO UNIFIED	572,641.40	\$29,777.35	\$7,444.34	\$9,925.78

NO BRTWD RDA AMD 2	-	\$0.00	\$0.00	\$0.00
NORTH BRENTWD RDA	-	\$0.00	\$0.00	\$0.00
OAKLEY ELEM	5,795,647.81	\$301,373.69	\$75,343.42	\$100,457.90
OAKLEY ELEM*	5,178,727.74	\$269,293.84	\$67,323.46	\$89,764.61
OAKLEY POLICE SVC	443,511.36	\$23,062.59	\$5,765.65	\$7,687.53
OAKLEY RDA	-	\$0.00	\$0.00	\$0.00
OAKLEY RDA PROJ 2	-	\$0.00	\$0.00	\$0.00
PITTSBURG UNIFIED	408.07	\$21.22	\$5.30	\$7.07
RECL 800 EXP	831,398.98	\$43,232.75	\$10,808.19	\$14,410.92
SAN RAMON UNIFIED	7,472.81	\$388.59	\$97.15	\$129.53
SERV AREA P-6	516,217.66	\$26,843.32	\$6,710.83	\$8,947.77
TOWN OF DISCO BAY	599,099.04	\$31,153.15	\$7,788.29	\$10,384.38